



FREDERICK COUNTY PLANNING COMMISSION

January 12, 2022

TITLE: **FY-2022 Frederick County Installment Purchase Program (IPP) Applications**

FILE NUMBER: **N/A**

REQUEST: **A finding of consistency with the County Comprehensive Plan.**

PROJECT INFORMATION:

ADDRESS/LOCATION: multiple, see attached

TAX MAP/PARCEL:

COMP. PLAN:

ZONING:

PLANNING REGION:

WATER/SEWER:

APPLICANT/REPRESENTATIVES:

APPLICANT: multiple, see attached

OWNER:

ENGINEER:

ARCHITECT:

ATTORNEY:

STAFF: Anne Bradley, Land Preservation Admin.

RECOMMENDATION: Find consistent with the County Comprehensive Plan

ATTACHMENTS:

EXHIBIT 1- Maps

STAFF REPORT

ISSUE

The request is for a finding of consistency with the County Comprehensive Plan for IPP applications #22-01 to #22-24.

BACKGROUND

The Frederick County Installment Purchase Program (IPP) was created in 2002 to supplement local land preservation efforts and to provide an attractive alternative to existing land preservation programs. The IPP Program utilizes a dedicated revenue source, a portion of the local recordation tax collections, to make offers to landowners for permanent preservation easements. Since 2002, the County has permanently preserved 137 farms on 20,838 acres.

The County received 29 applications for the FY-2022 Installment Purchase Program (IPP) encompassing 3,602 acres of land. These 29 applications include 7 first time applicants to agricultural preservation programs. The Agricultural Preservation Advisory Board and County Executive reviewed all the applications and both accepted staff's recommendation due to limited funding to further review the top 24-ranked candidates totaling 3,152 acres.

File	Name	Location	Acres	<u>Within a PPA?</u>	<u>Previously Reviewed by Planning Commission?</u>
IPP#22-01	Clemson Mill Farm	Pearre Rd	156	Yes	14-Nov-2018
IPP#22-02	Stunkel, Glenn and Cheryl	Dickerson Road	107	Yes	
IPP#22-03	Fry, Evelyn Irrevocable Trust	Fry Rd	131	No	8-Jan-2020
IPP#22-04	Frey Family LLC	Repp Rd	296	No	12-Mar-2017
IPP#22-05	Dotterer, Paul and Karen	Green Valley Rd	45	Yes	8-Jan-2020
IPP#22-06	Shankle, Doris and Dawn	Mountville Rd	95	Yes	
IPP#22-07	Adams, Christopher	Broad Run Road	156	Yes	8-Jan-2020
IPP#22-08	Cogan, Ray	Marker Road	67	Yes	
IPP#22-09	Jolee Farms LLC	Lewistown Rd	167	No	8-Jan-2020
IPP#22-10	Walsh, Robert	Brandenburg Hollow Road	98	No	8-Jan-2020
IPP#22-11	Roderick, Arlene and Francis	Cook Brothers Road	218	No	
IPP#22-12	McNair, Dallas	Grimes Rd	143	No	8-Jan-2020
IPP#22-13	Barbour, Damon	Putman Road	48	No	
IPP#22-14	Kashkett, Kenneth and Bethanne	Bartonsville Road	97	No	8-Jan-2020
IPP#22-15	Lenhart, Timothy and Mary	Lenhart Rd	77	No	8-Jan-2020
IPP#22-16	Baust, Bonnie	New Cut Rd	124	No	8-Jan-2020
IPP#22-17	Good/Sacharov	Apples Church Rd	110	No	
IPP#22-18	Burrier, Harold and Judith	Liberty Rd	149	No	8-Jan-2020
IPP#22-19	HCF Land LLC	Blacks Mill Rd and Fish	124	No	
IPP#22-20	Spielman, Mary	Fountain School Rd	162	Yes	

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IPP#22-21	Joseph and Karen Offutt	Oak Hill Rd	140	No	8-Jan-2020
IPP#22-22	Waybright, Lucas	Keysville Rd.	219	No	
IPP#22-23	Brandenburg, Jody and Obed	Crow Rock Rd	90	No	14-Nov- 2018
IPP#22-24	Murphy, David	Prices Distillery Rd	133	No	
		Total Acres	3,152		

County Comprehensive Plan

All of the applications are designated as Agricultural and/ or Natural Resource in the Comprehensive Plan, with the exception of the following: IPP#22-04 (Frey Family, LLC) is designated as Mineral Mining, and a portion of IPP#22-05 (Dotterer) (approx. 1.5 acres) is designated as Rural Community in the Comprehensive Plan. One application, IPP#22-22 Lucas Waybright, is within one mile of a municipality. Please see explanations below discussing these applications in more detail.

Seven of the applications are located within a Priority Preservation Area (PPA). All of the applications, with the exception of IPP#22-04 (Frey Family, LLC) and approximately 1.5-acres of #22-05 (Dotterer), are zoned Agricultural and/or Resource Conservation.

#22-04 Frey Family, LLC- The Frey Family, LLC application consists of 296 acres and is located on Repp Rd (see map on page 8). The property is zoned for Mineral Mining because it was once owned by the aggregate corporation, Lehigh Cement Company. However, the property is now owned by a local farmer, and their intention to maintain this property in agricultural use in perpetuity. The application ranks high due to its size, development potential, tillable cropland acres, and it's adjacency to a large block of preserved land. Additionally, the property is completely surrounded by a Priority Preservation Area. While staff would note that a preservation easement on this property would not be consistent with the Mineral Mining designation on the property, it could be designated Agricultural/Rural in future Comprehensive Plan updates should an easement be placed on the property. For that reason, staff is recommending this application be found consistent with the County Comprehensive Plan.

#20-05 Dotterer – The Dotterer application consists of approximately 44.5 acres on the east side of MD 75 (Green Valley Road). See map on page 9. The majority of the property is zoned Agricultural. The remaining approximately 1.5 acres is zoned Village Center (VC) and is developed with a residence and several out buildings. This small area is designated as Rural Community on the County Comprehensive Plan. These designations can be compatible with agricultural preservation and the landowner understands some uses allowed within the Village Center District will not be permitted under the IPP easement. The Dotterer application adjoins a block of continuous preserved farmland that totals 4,038 acres. For these reasons, staff believes an easement on this property would be consistent with the County Comprehensive Plan.

#22-22 Waybright – The Waybright application consists of approximately 219 acres on the east side of Keysville Road, south of the Town of Emmitsburg. See map on page 18. The Waybright application is within one mile of the Town of Emmitsburg, so staff notified the Town of the application and requested comment. The Town of Emmitsburg replied on December 2, 2021 and stated that the Waybright property is outside of the Town's growth boundary and that they therefore had no comment. For this reason, staff believes an easement on this property would be consistent with the County Comprehensive Plan.

RECOMMENDATION

Staff recommends a finding of consistency with the County Comprehensive Plan on IPP applications #22-01 to #22-24.

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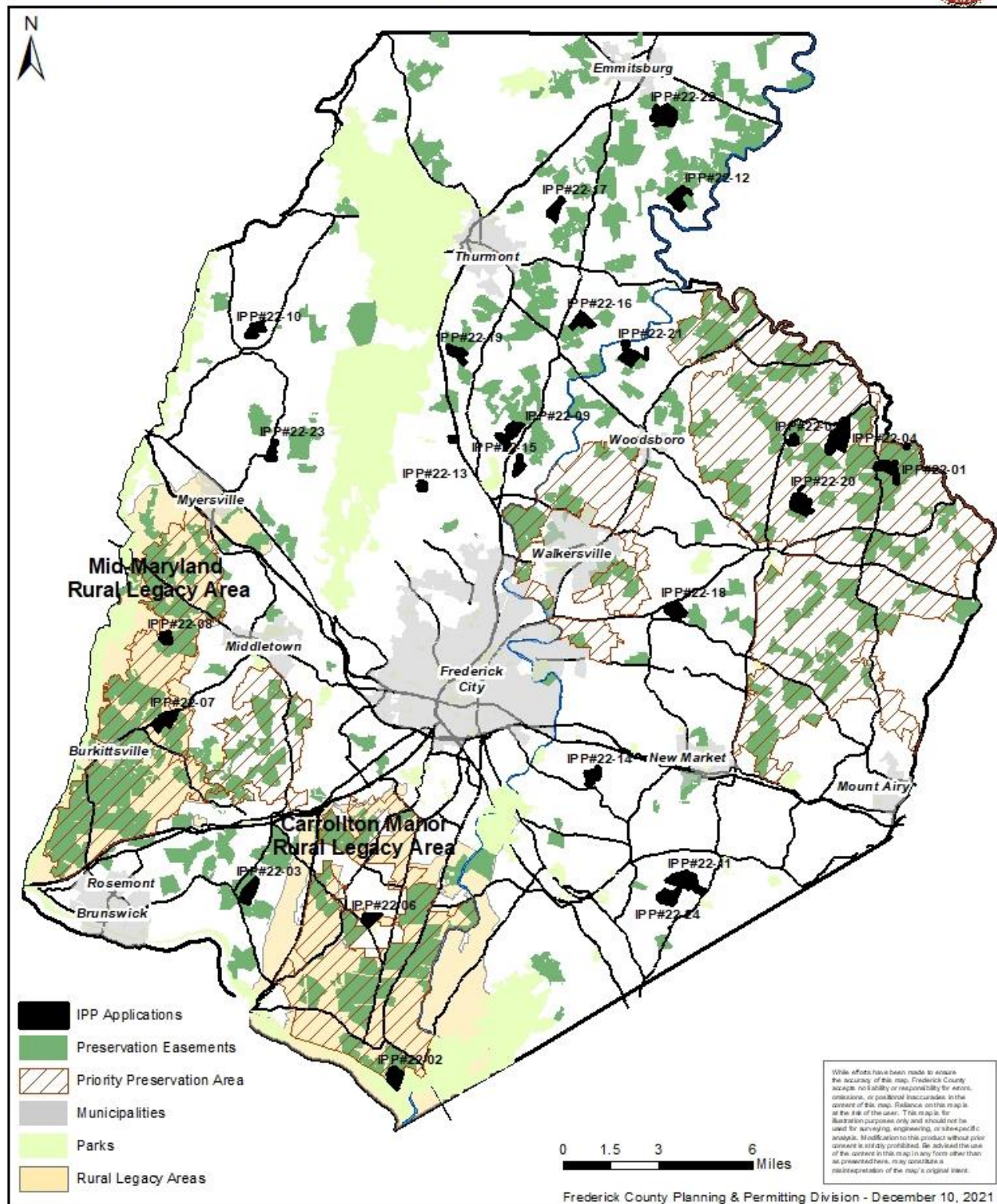
PLANNING COMMISSION ACTION

MOTION TO FIND CONSISTENT

I move that the Planning Commission **FIND the FY 2022 Frederick County Installment Purchase Program (IPP) applications, #22-01 to #22-24, to be consistent with the County Comprehensive Plan**, as listed in the staff report based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit 1

FY 2022 Installment Purchase Program (IPP) Applications Shown with Frederick County Preservation

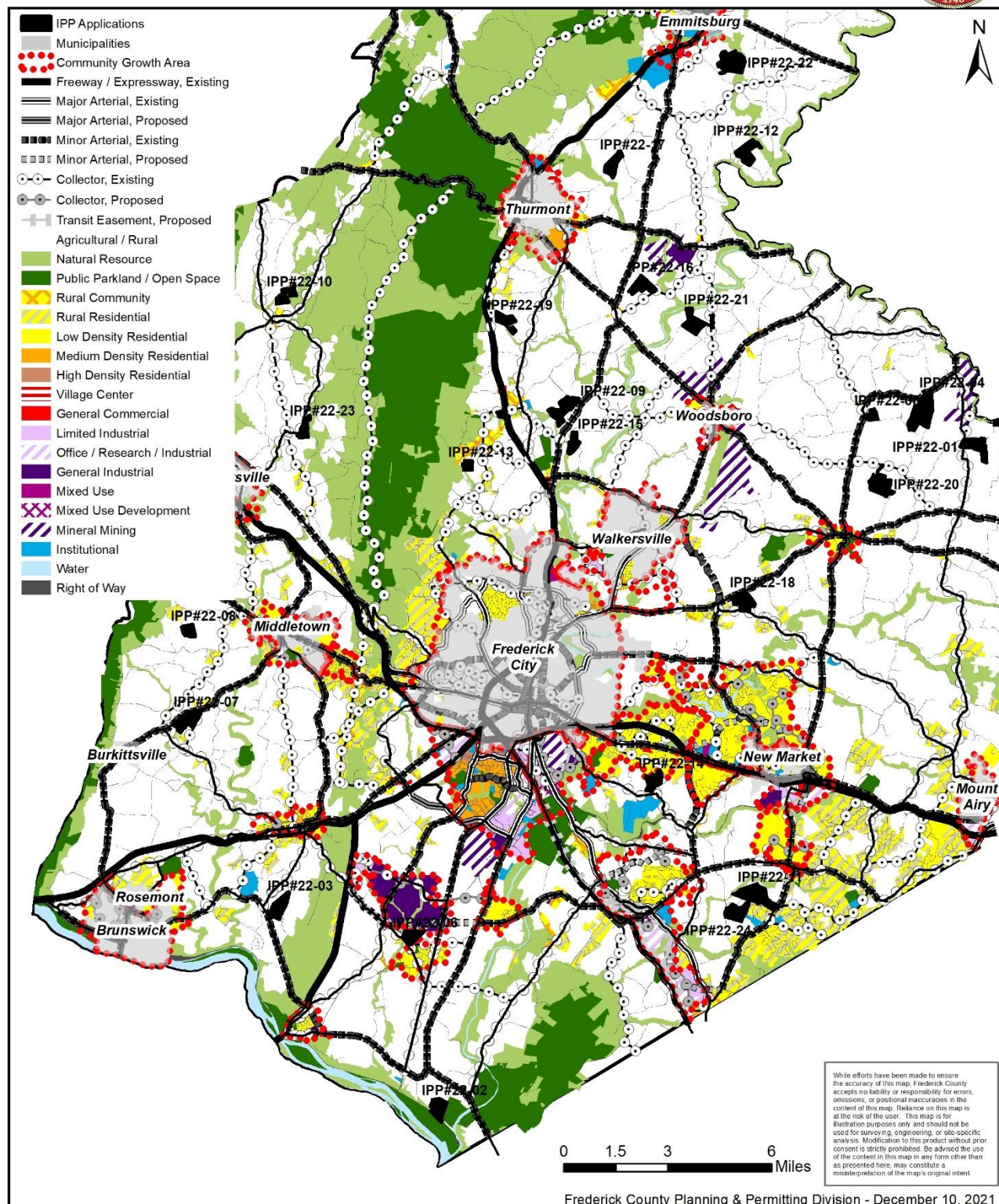


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FY 2022 Installment Purchase Program (IPP) Applications Shown with Frederick County Comprehensive Plan

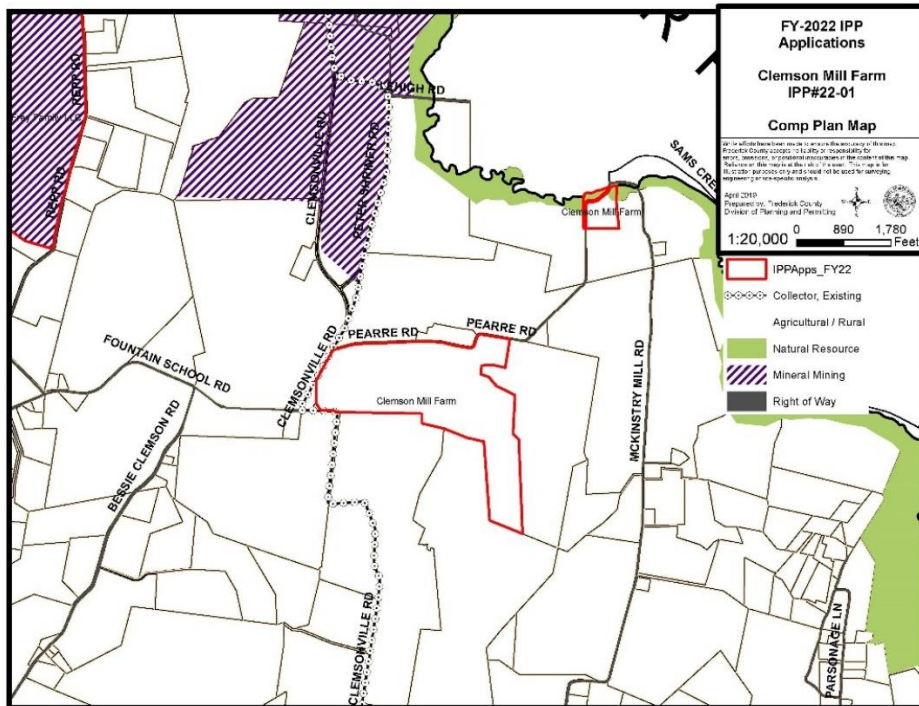


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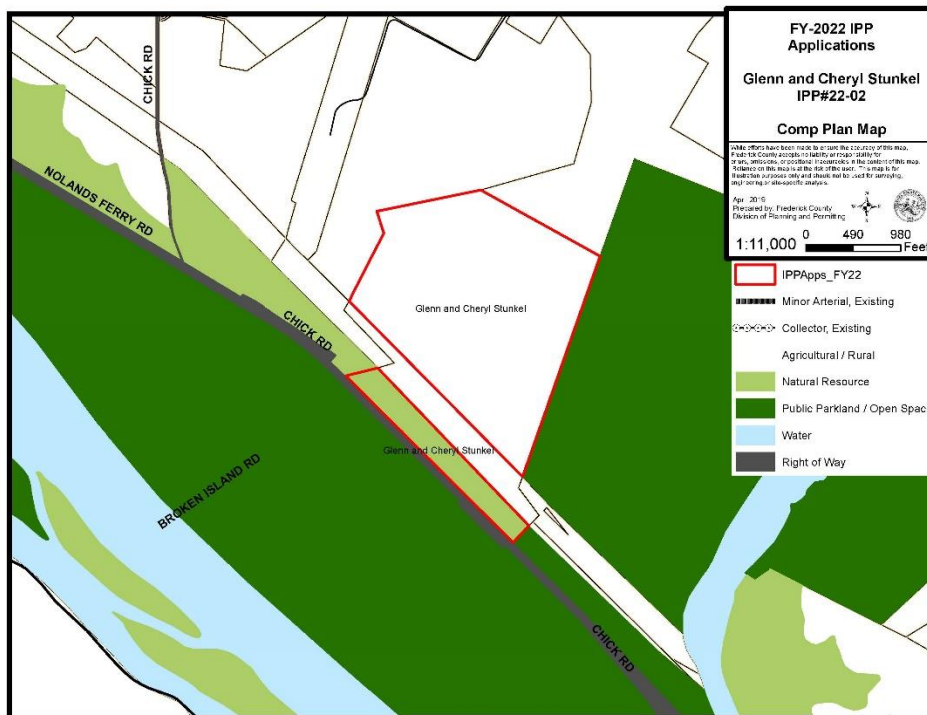
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22-01 - Clemson Mill Farm, LLC – 156 acres located on the south and east sides of Pearre Road, east of Clemsonville Road (Tax Map 44 Parcels 10 and 25)



22-02 - Glenn and Cheryl Stunkel- 107 acres located on the southwest side of Dickerson Road, north of Chick Road (Tax Map 112 Parcels 8 and 11)

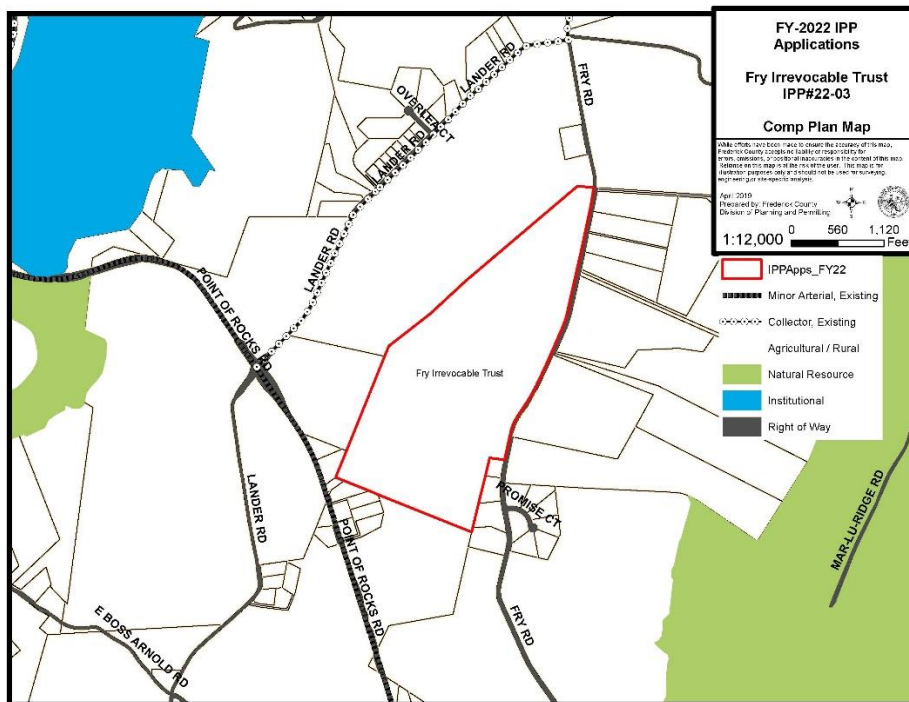


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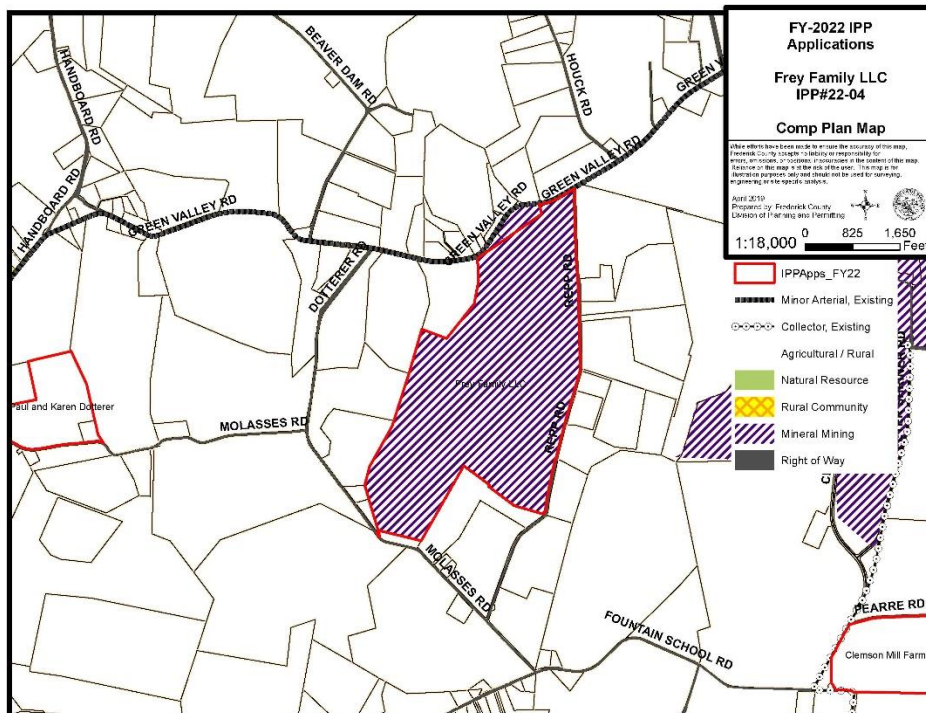
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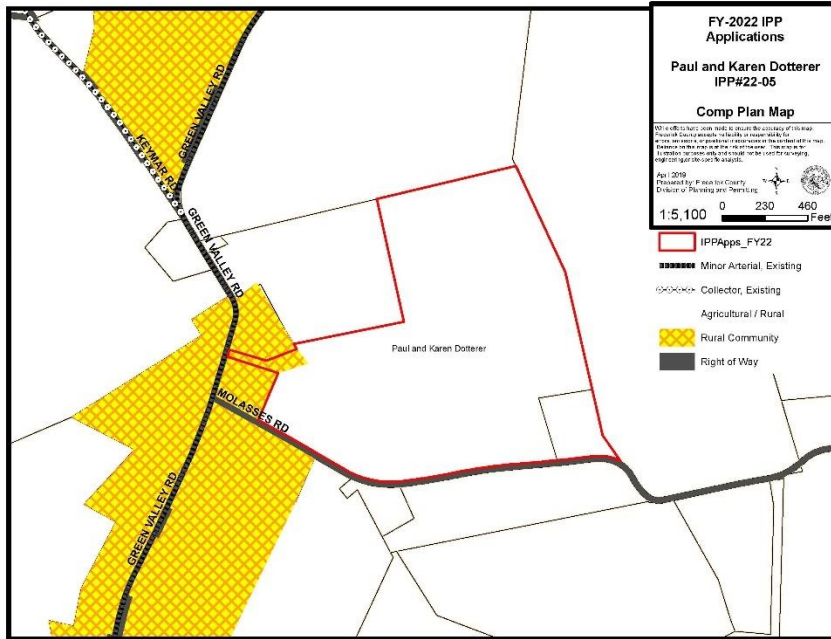
22-03 – Evelyn Fry Irrevocable Trust - 131 acres on the west side of Fry Road, north of Promise Court (Tax Map 93 Parcel 48)



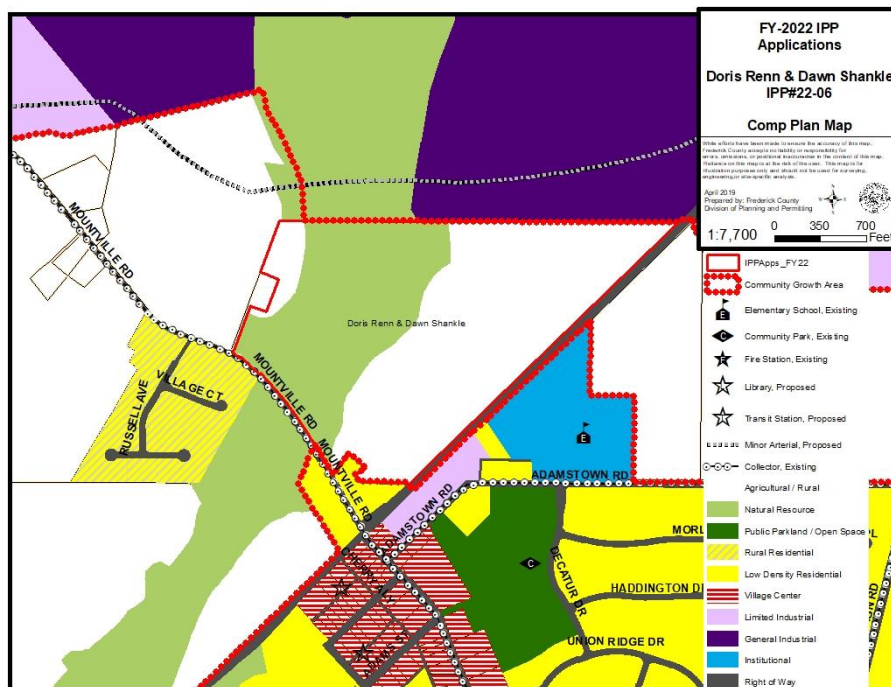
22-04- Frey Family, LLC - 302 acres located on the west side of Repp Rd, south side of Green Valley Road, and north side of Molasses Road (Tax Map 43 Parcel 36)



22-05 – Paul & Karen Dotterer - 45 acres located on the east side of Green Valley Road, and the north side of Molasses Road (Tax Map 43 Parcel 29)



22-06 – Doris Renn and Dawn Shankle- 95 acres located on the east side of Mountville Road, west of Adamstown Road (Tax Map 103 Parcel 7)

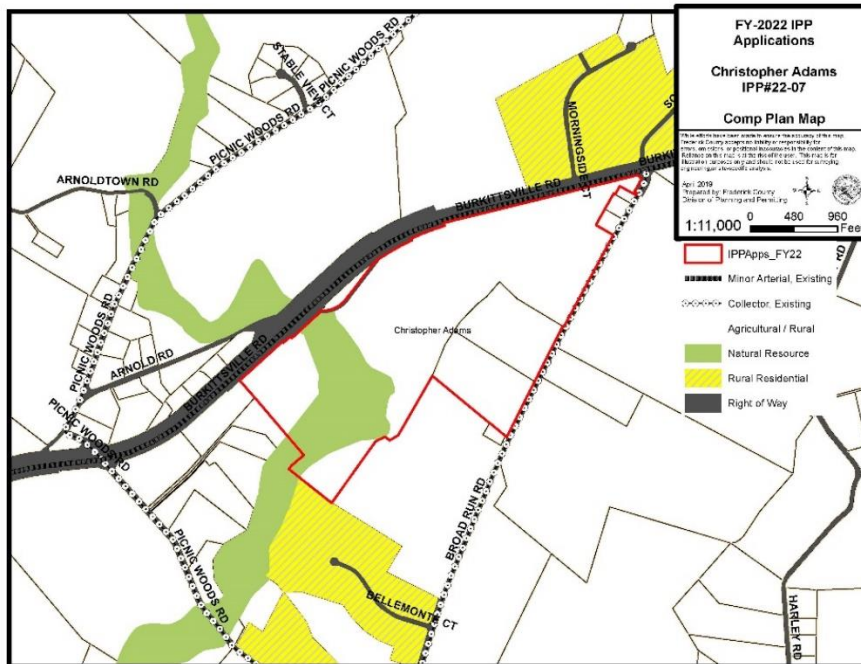


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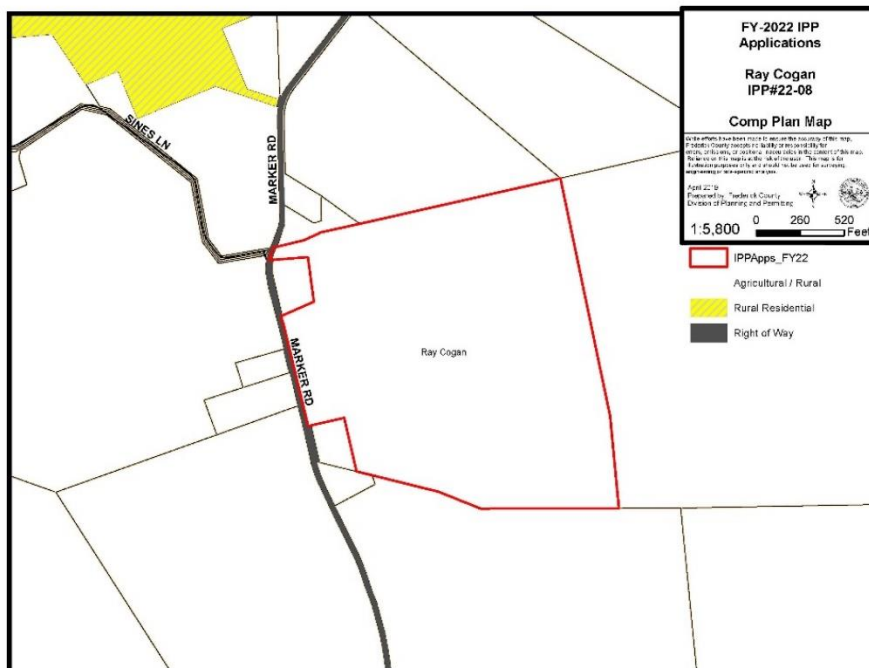
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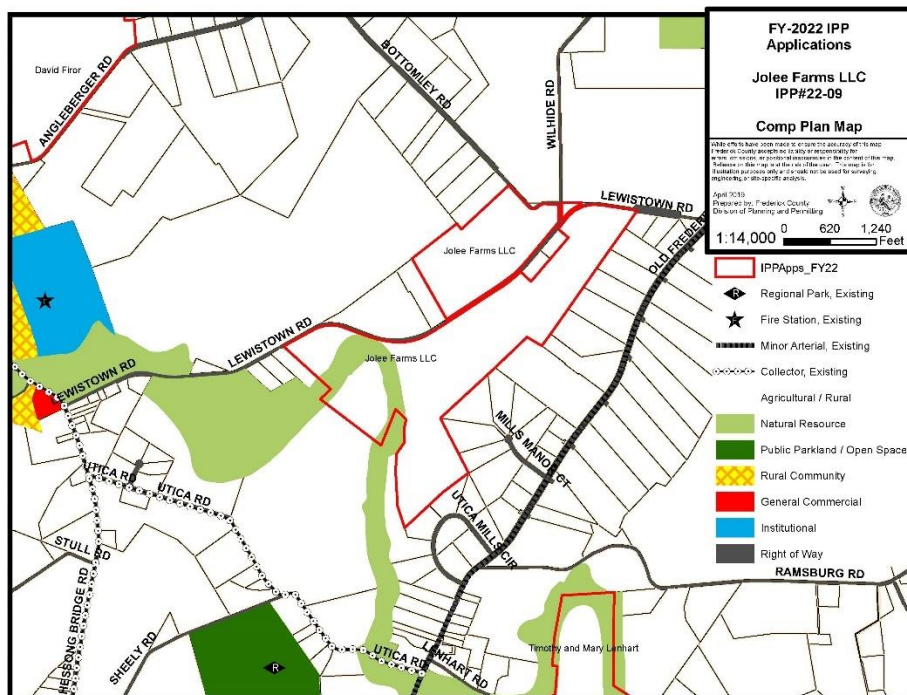
20-07 – Christopher Adams – 156 acres on the south side of Burkittsville Road, west of Broad Run Road (Tax Map 74 Parcels 6 and 237)



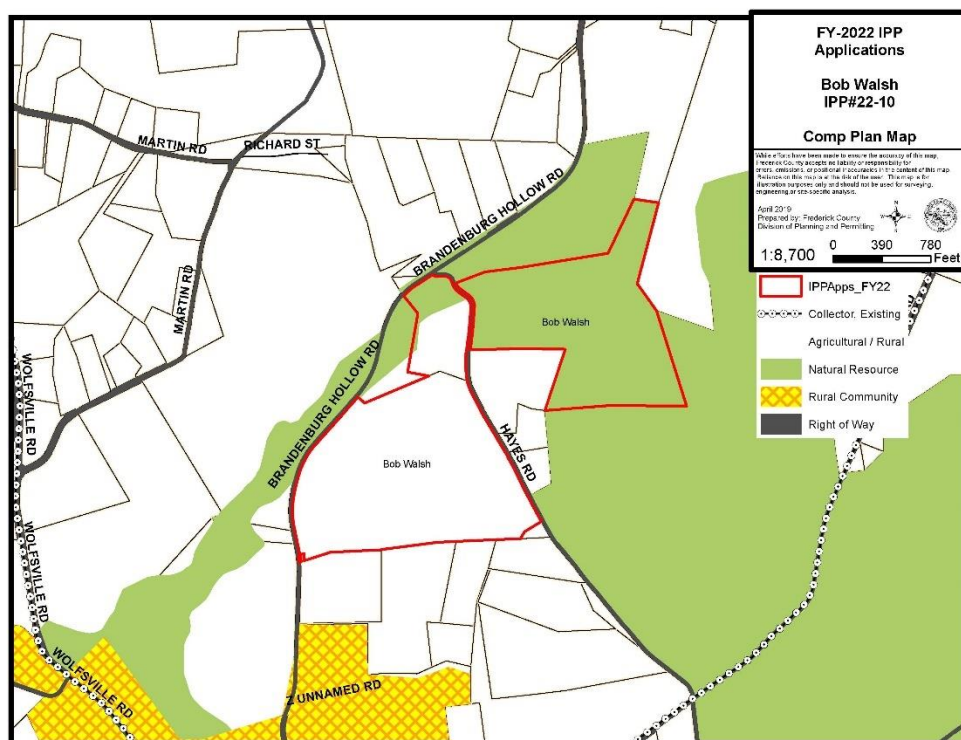
20-08 – Ray Cogan – 67 acres on the east side of Marker Road, south of Sines Lane (Tax Map 64 Parcels 83)



22-09 – Jolee Farms, LLC – 167 acres on the north and south sides of Lewistown Road, south of Bottomley Road (Tax Map 40 Parcels 330 and 544)



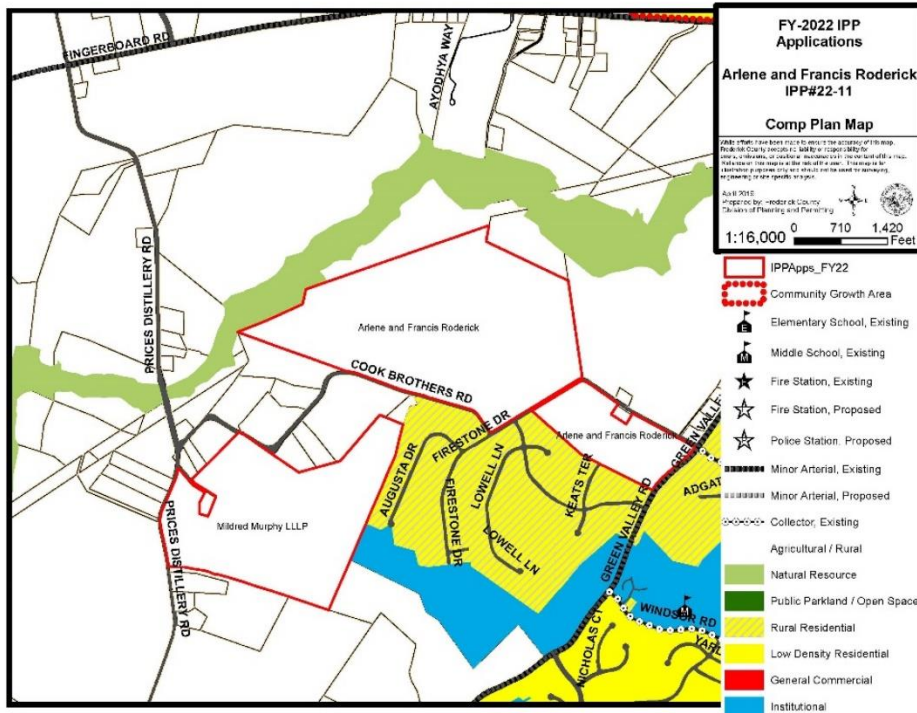
22-10 –Robert Walsh – 97.5 acres on the east and west sides of Hayes Road, and the south side of Brandenburg Hollow Road (Tax Map 23 Parcels 16 and 51)



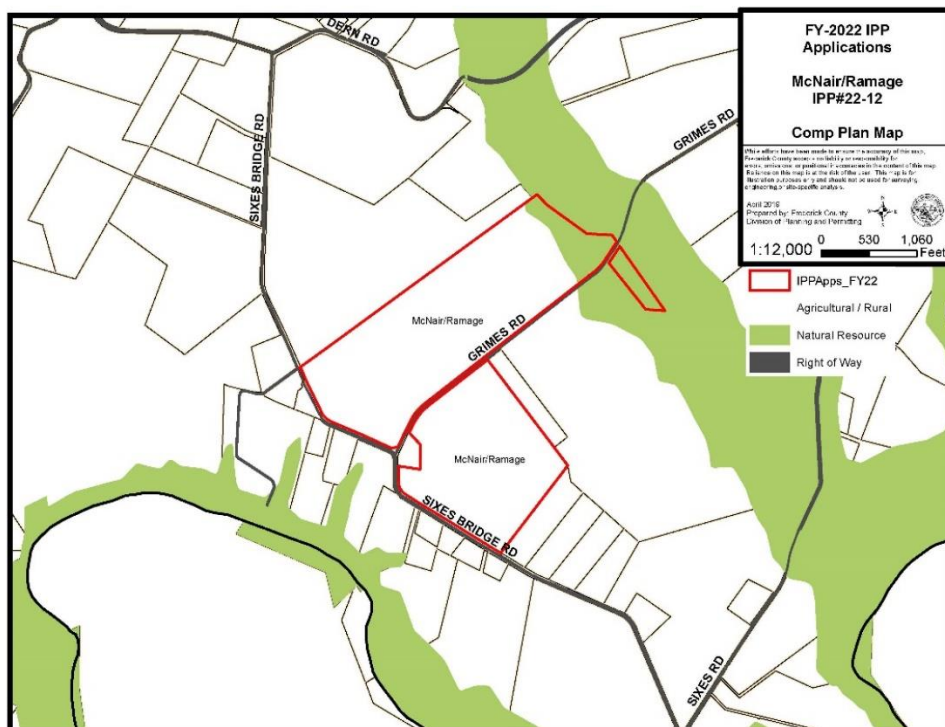
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22-11 – Francis and Arlene Roderick- 218 acres on the north side of Cook Brothers Road, east of Prices Distillery Road (Tax Map 97 Parcels 28 and 145)



22-12 – Dallas McNair and Sharon Ramage 143 acres on the north and south sides of Grimes Road, east of Sixes Bridge Road (Tax Map 21 Parcels 10 and 64)

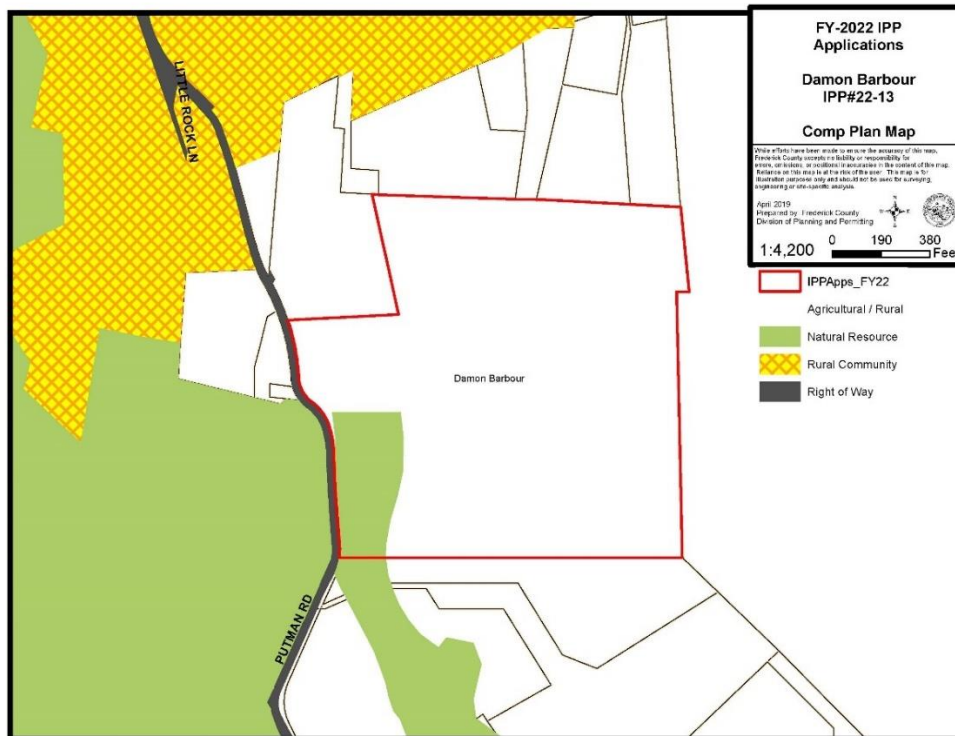


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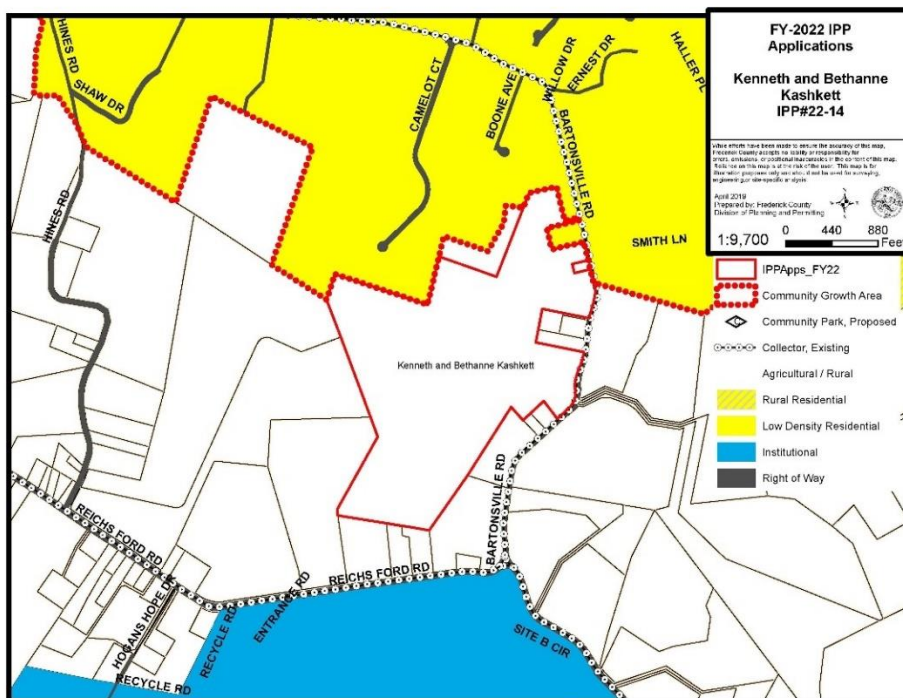
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22-13 – Damon Barbour – 48 acres on the east side of Putman Road, south of Mountindale Road (Tax Map 40 Parcel 317)



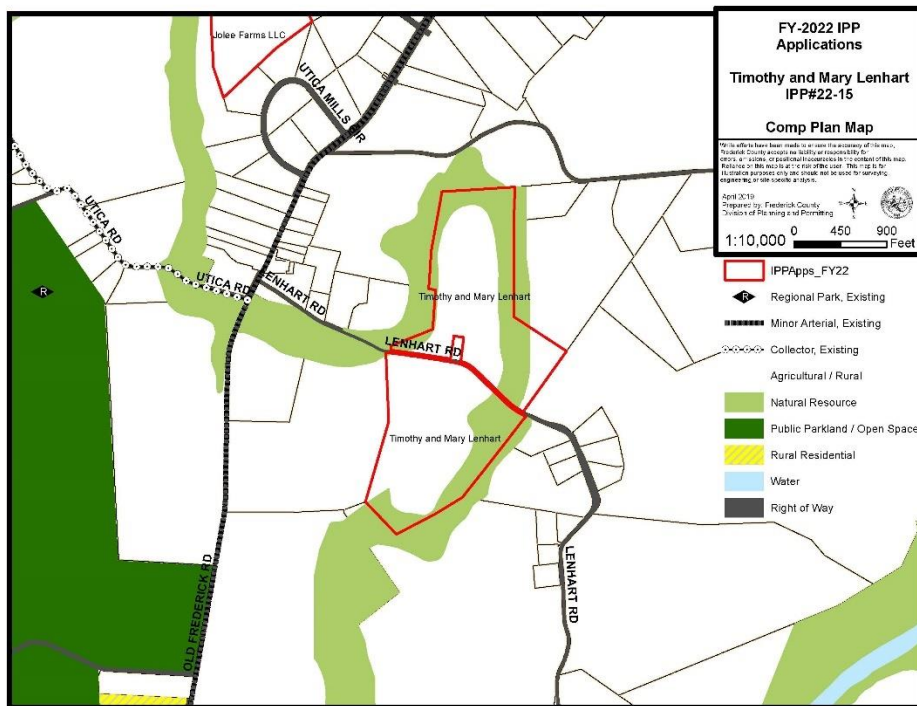
22-14 – Kenneth & Bethanne Kashkett- 97 acres located on the west side of Bartonville Road, north of Reichs Ford Road (Tax Map 87 Parcel 10)



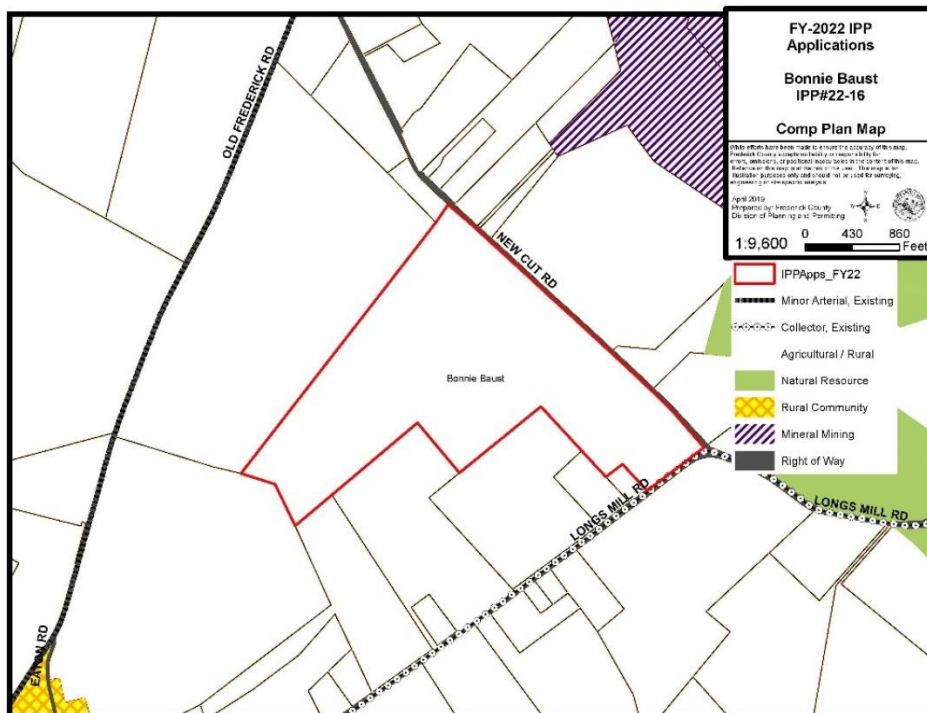
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20-15- Timothy & Mary Lenhart – 77 acres on the north and south sides of Lenhart Road (Tax Map 40 Parcel 103)



22-16 – Bonnie Baust – 123.5 acres on the west side of New Cut Road and the north side of Longs Mill Road (Tax Map 26 Parcel 34)

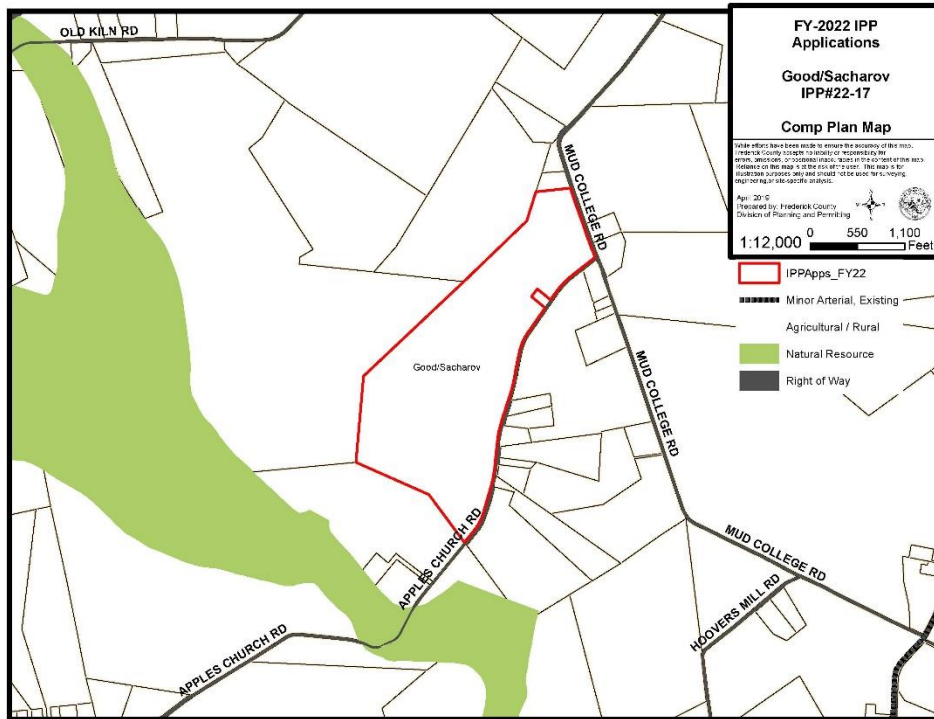


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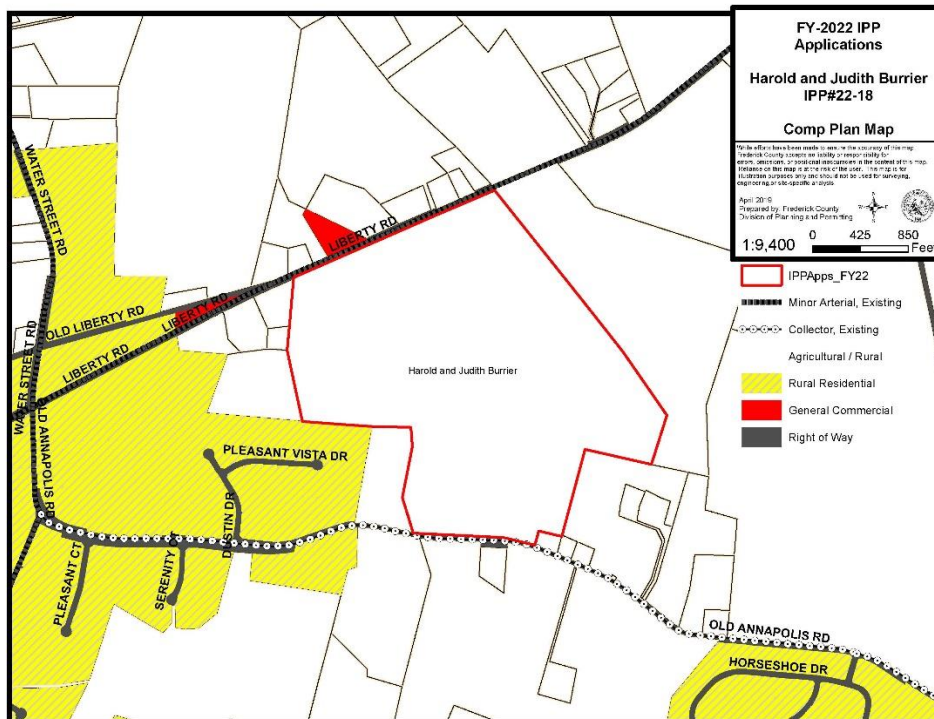
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22-17 – John Good and Christina Sacharov – 110 acres on the north side of Apples Church Road, and west side of Mud College Road (Tax Map 20 Parcel 30)



22-18 – Harold and Judith Burrier – 148.5 acres on the south side of Liberty Road, east of Water Street Road (Tax Map 59 Parcel 77)

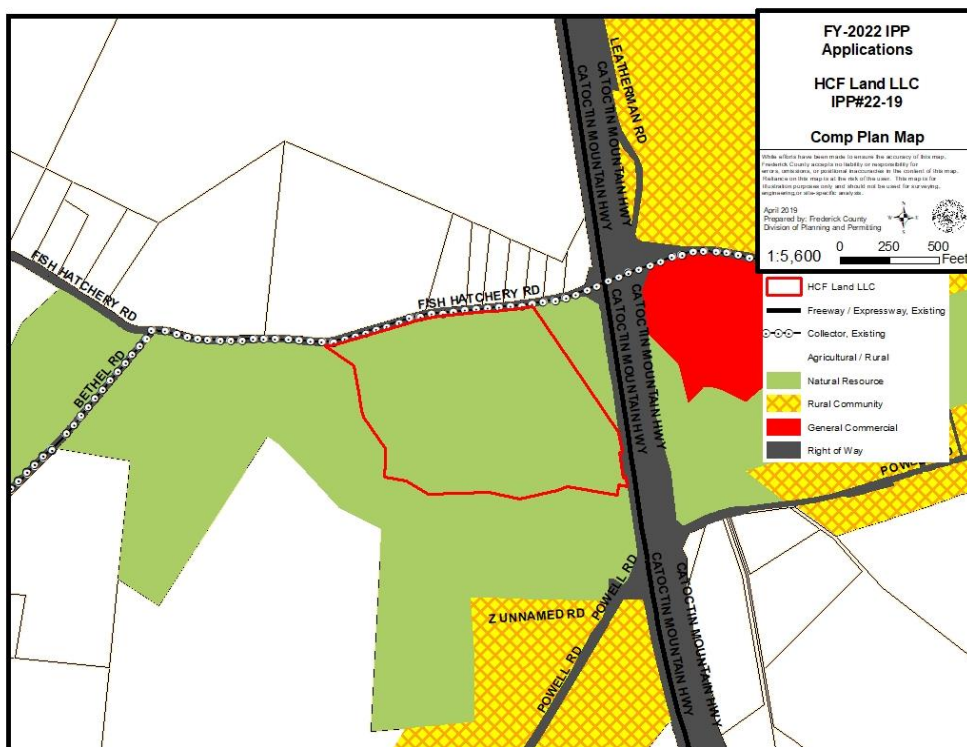
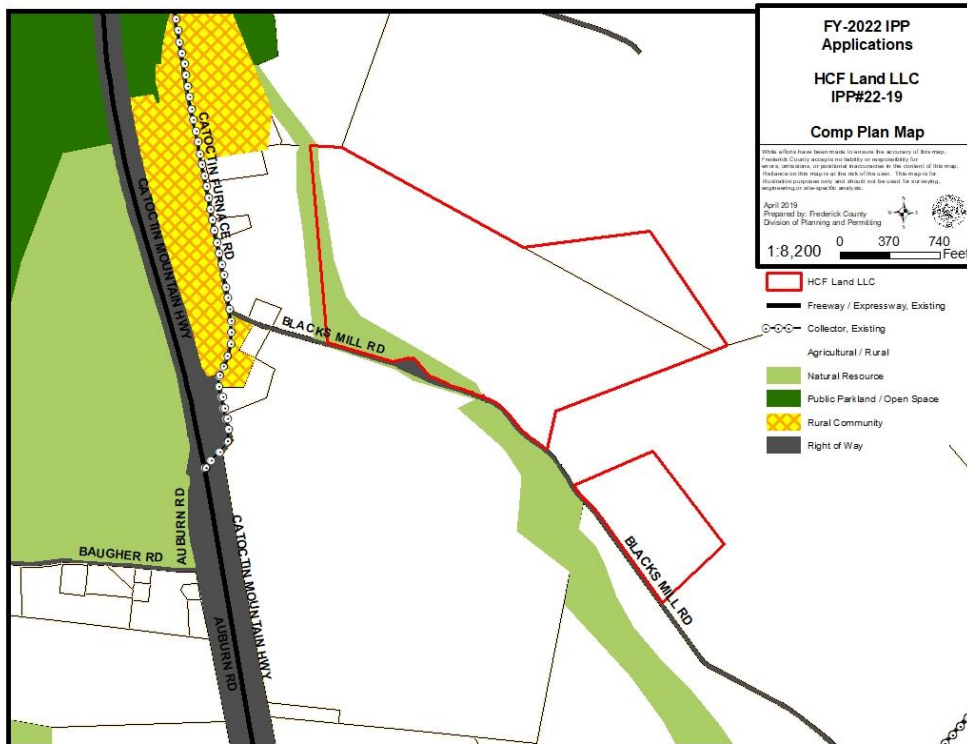


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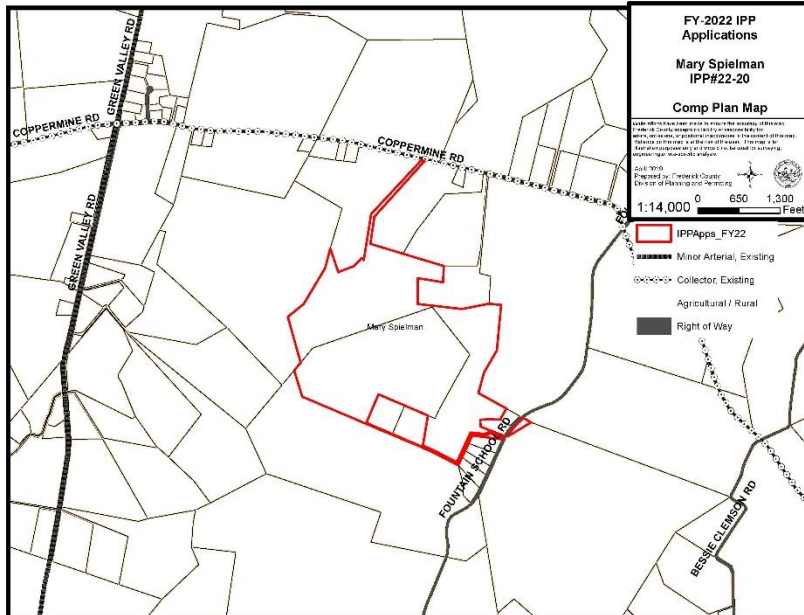
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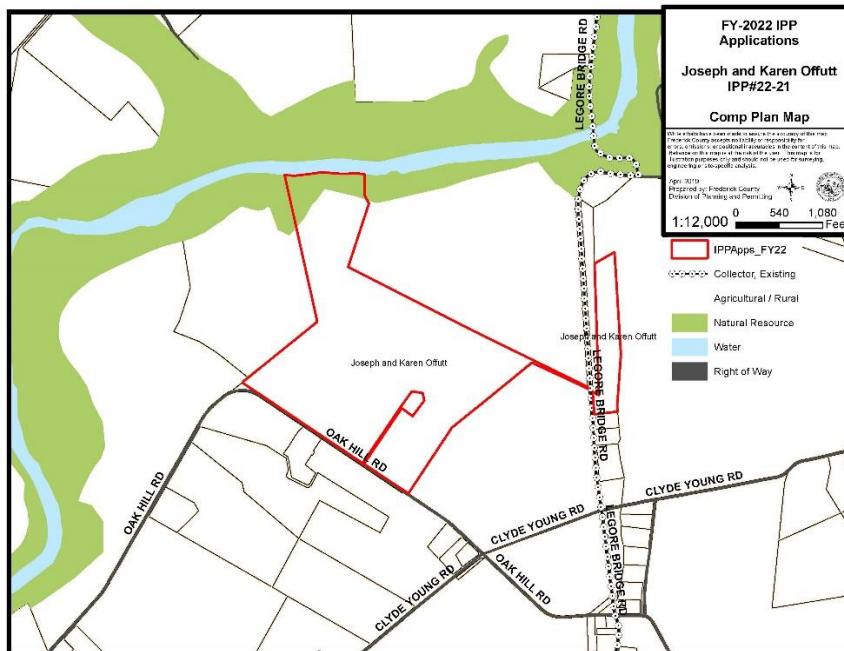
22-19 – HCF Land, LLC - 100 acres located on the north side of Blacks Mill Road, and 24 acres on the south side of Fish Hatchery Road (Tax Map 32 Parcels 6,17,124 and Tax Map 40 Parcel 121)



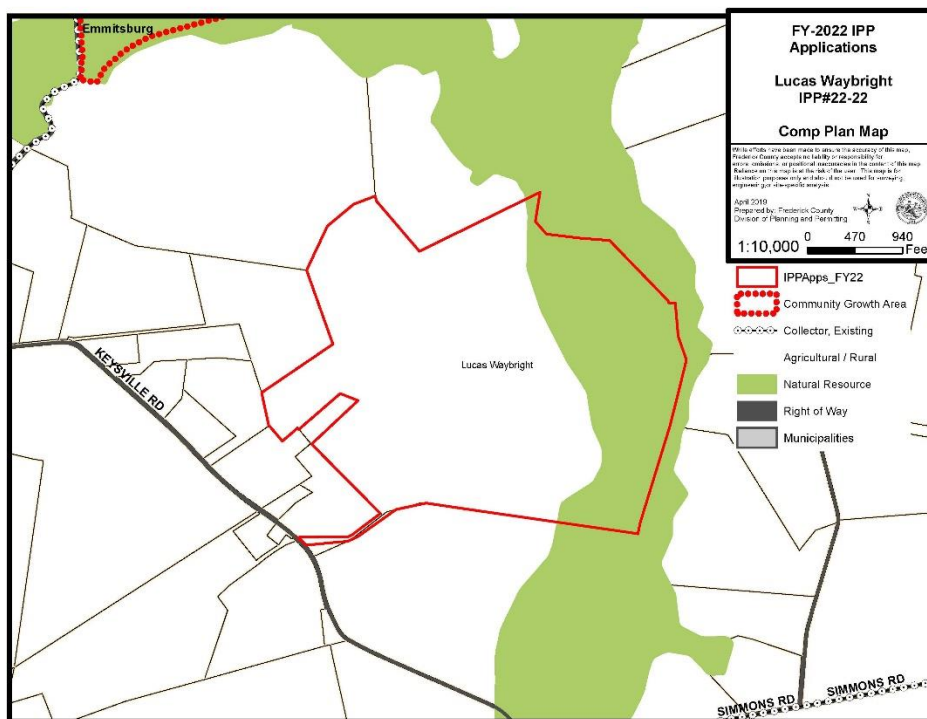
22-20 – Mary Spielman- 162 acres located on the west side of Fountain School Road, on the south side of Coppermine Road, and east of Green Valley Road (Tax Map 51 Parcel 11)



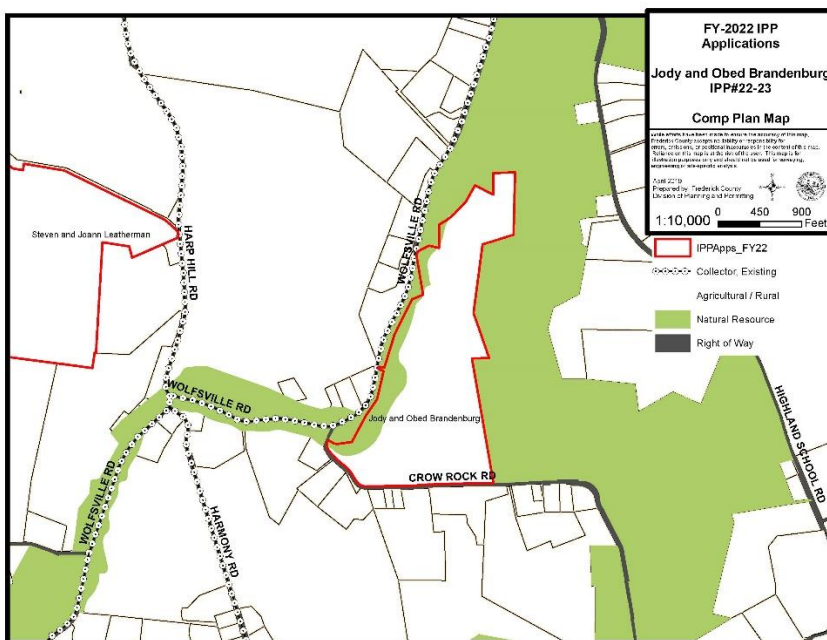
22-21 – Joseph & Karen Offutt- 140 acres located on the north side of Oak Hill Road, and on the east and west sides of Legore Bridge Road (Tax Map 33 Parcel 30)



22-22 – Lucas and Nicole Waybright- 219 acres located on the east side of Keysville Road, south of the Town of Emmitsburg (Tax Map 9 Parcel 120)



22-23 – Jody and Obed Brandenburg - 89.5 acres located on the north side of Crow Rock Road, east of Wolfsville Road (Tax Map 38 Parcel 79)



22-24 – David Murphy- 133 acres located on the east side of Prices Distillery Road, and south of Cook Brothers Road (Tax Map 97 Parcel 32)

